

301.85 GOLDEN NEMATODE

Federal Domestic Quarantine

A. Pest. Golden nematode, *Globodera rostochiensis* (= *Heterodera rostochiensis*).

B. Regulated Areas. See 301.85-2a.

C. Regulated Articles.

1. Soil, compost, humus, muck, peat, and decomposed manure, separately or with other things.
2. Plants with roots, except soil-free aquatic plants.
3. Grass sod.
4. Plant crowns and roots for propagation.
5. True bulbs, corms, rhizomes, and tubers of ornamental plants.
6. Irish potatoes and other root crops.
7. Small grains and soybeans.
8. Hay, straw, fodder, and plant litter of any kind.
9. Ear corn, except shucked ear corn.
10. Used crates, boxes, and burlap bags, and other used farm products containers.
11. Used farm tools.
12. Used mechanized cultivating and used harvesting machinery.
13. Used mechanized soil-moving equipment.
14. Any other products, articles, or means of conveyance, of any character whatsoever when it is determined by an inspector that they present a hazard of spread of golden nematode and the person in possession thereof has been so notified.

D. Restrictions.

1. **Certificate or Permit Required.** Unless exempted in 301.85-2b, any regulated article in subsection (C) above which is moved interstate from any regulated area described in 301.85-2a must be accompanied by a Federal certificate, limited permit, or restricted destination permit.
2. **Attachment and Disposition of Certificates or Permits.** Every container or, if there is none, the regulated article itself, shall have a certificate, limited permit, or restricted destination permit securely attached to the outside thereof when offered for movement from a regulated area, except, that when the regulated article is adequately described on a certificate or permit attached to the waybill or other shipping document, the attachment of a certificate or permit to each container or the article itself is not required.

In all cases, certificates or permits must be furnished by the carrier to the consignee at destination of the shipment.

3. **Issuance of Certificates.** Certificates may be issued for movement of restricted articles that are eligible for certification to any destination under all Federal domestic plant quarantines applicable to such articles.

4. **Issuance of Limited Permits.** Limited permits may be issued for movement of restricted articles, not eligible for certification for golden nematode, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the Federal treatment manual, when the requirements of other applicable Federal domestic quarantines have been met.

5. **Issuance of Restricted Destination Permits.** Restricted destination permits may be issued for movement of restricted articles to any destination permitted under all applicable Federal domestic plant quarantines (for other than scientific purposes) if such articles are not eligible for certification under all such quarantines, but would otherwise qualify for certification for golden nematode.

6. **Issuance of Scientific Permits.** Scientific permits may be issued by the Director, Plant Pest Control Division, for interstate movement of regulated articles for scientific purposes under conditions prescribed in each specific case by the Director.

7. **Articles Originating Outside of Regulated Areas.** No certificate or permit is required for movement of regulated articles originating outside of the regulated areas and moving through or reshipped from a regulated area when the point of origin is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area.

8. **Movement of Live Golden Nematodes.** Live golden nematodes are prohibited movement interstate except under permit from the Director, Plant Pest Control Division, and the permit must be attached to the outside of the container. The arrival of any such shipment should be immediately reported to the California Department of Food and Agriculture, Sacramento.

E. Disposition. Restricted articles arriving in violation of this quarantine should be refused admittance into California under authority of and in accordance with Sections 6301, and 6521 to 6524, inclusive, Agricultural Code, at the option and expense of the owner.

301.85-2a REGULATED AREAS

The following areas of the State of New York are designated as regulated areas:

1. Generally infested area:

Cayuga County. The town of Montezuma.

Genesee County. The towns of Elba and Byron.

Livingston County. The towns of Avon, Caledonia, Geneseo, Groveland, Leicester, Lima, Livonia, Mount Morris, West Sparta, and York.

Nassau County. The entire county.

Orleans County. The towns of Barre and Clarendon.

Seneca County. The town of Tyre.

Steuben County. The towns of Prattsburg, Wheeler, Dansville, Cohocton, and Fremont.

Suffolk County. The entire county.

Wayne County. The town of Savannah.

2. Suppressive area: None

only in emergencies under authorization from the Plant Protection Division, USDA.

*** The articles hereby exempted remain subject to applicable restrictions under other quarantines.**

301.85-2b EXEMPTED ARTICLES

1. The following articles are exempt* from the certification and permit requirements of the Golden Nematode Quarantine if they meet the applicable conditions set forth below and have not been exposed to infestation after cleaning or other handling as prescribed.

- a. Small grains** if harvested in bulk or directly into approved containers, and if the small grains and containers thereof have not come into contact with the soil; or, if they have been cleaned to meet State seed sales requirements.
- b. Soybeans (other than for seed),** if harvested in bulk or directly into approved containers, and if the soybeans and containers thereof have not come into contact with the soil.
- c. Unshucked ear corn,** if harvested in bulk or directly into approved containers, and if the corn and containers thereof have not come into contact with the soil.
- d. Used farm tools,** if cleaned free of soil.

2. The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (a) through (b) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs: Provided, that this exemption shall not apply to any class of regulated articles specified by an inspector in a written notification to the owner or person in possession of the premises that the movement of such articles from such premises under this exemption would involve a hazard of spread of the golden nematode:

- a. Irish potatoes (other than for seed),** if graded at an approved grader or washed free of soil, and packaged in approved containers. Provided, however, that potatoes from noninfested fields may be shipped to Puerto Rico in new burlap bags.
- b. Root crops** (other than Irish potatoes and sugar beets), if moved in approved containers.
- c. Hay, straw, fodder, and plant litter,** if moved in approved containers.

3. Containers of the following types are approved for the purposes of this section:

- a. New paper bags; and consumer packages** of any material except cloth or burlap.
- b. Crates, pallet boxes, trucks, and boxcars,** if free of soil.

4. Soil samples for processing, testing, or analysis may be moved interstate from the regulated area (without a certificate or permit) only to approved laboratories or

ADDITIONAL INFESTED AREAS

APPENDIX A

6-10-04

New York:

Cayuga County. Portion of the county near the town of Port Byron.